

OLC 70-0866

14 December 1970

MEMORANDUM FOR: Deputy Director of Central Intelligence

SUBJECT: Developments During Your Absence

1. President's Unhappiness re Reporting on Sihanoukville:

On 9 December Senator Milton Young told me in confidence that a couple of weeks previously during a meeting with the Republican leadership, the President had cited as "an intelligence failure" the Agency's earlier reporting on the amount of Communist supplies going through Sihanoukville. Young quoted the President as saying he thought the Agency needed some "jacking up."

2. Senate Foreign Relations Committee Request that the Director Testify re Son Tay:

On instructions from the Director, on 10 December I met with Pat Holt, the number two man on the Senate Foreign Relations Committee staff, in response to his request that the Director testify before the Committee on 14 December regarding the Agency's involvement in the Son Tay affair. I explained to Holt that our involvement in this case was extremely limited and that our formal appearance before the Committee in present circumstances might create some serious problems for us in view of the political controversy which the case has stirred up. Later in the day Holt called me back to say that Chairman Fulbright had agreed to let us off the hook. See Tab A.

CRC, 2/25/2003

3. CIA Retirement Legislation Amendments:

On 10 December the Senate passed and sent to the House amendments to our retirement legislation. In the main, this legislation simply brings the Agency retirement system into line with recent changes made in the Civil Service system. It also increases from 400 to 800 the statutory ceiling on the number of our personnel who can be retired under our system between now and 30 June 1974.

This bill is scheduled for consideration by the full House Armed Services Committee at 10:30 a.m. on Wednesday, 16 December, where Red White will present our case. We foresee no difficulty in the bill being reported out of Committee, but there is some danger that it might be lost in the adjournment rush expected later in the week.

4. Clarification of "Fulbright Amendment"

On 10 December Ralph Preston, House Appropriations Committee staff, told me that Chairman Mahon was concerned about the restrictive effect of the Fulbright amendment on certain Agency programs, and suggested it might be well for the Director to call Mahon and let him know firsthand of the Agency's position. When the Director did so, Mahon said he would like our suggestions for amending the original language.

Accordingly, Larry Houston provided some alternatives for consideration, and on 14 December Preston called me to say that during the conference discussions on 12 December it appeared that the House and Senate might agree on adding to the Fulbright amendment the following:

"...but nothing herein will be construed to prohibit support of free world or local forces in actions designed to promote the safe and orderly withdrawal or disengagement of U.S. forces from the war in Indochina."

After checking with the Director and others concerned, I told Preston that this language would be most helpful from the Agency standpoint.

John M. Maury
Legislative Counsel

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OLC 70-0862

10 December 1970

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Senate Foreign Relations Committee
Staff re Agency Role in Son Tay Matter

1. This morning I met with Mr. Pat Holt, Senate Foreign Relations Committee staff, in response to his request that the Director appear before the Committee in executive session on Monday, 14 December, to testify on the Son Tay matter. I explained to Mr. Holt that our involvement in and knowledge of this case was extremely limited, and that our formal appearance in this connection might create very serious problems for us in view of the political controversy that the case has stirred up.



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25X1 [redacted] I said that not only was the Director not present when the final decision regarding launching of the operation was reached, but in fact did not learn of this decision until the operation was already underway. I explained that the Agency had no responsibility for keeping track of the location and condition of American POWs in Vietnam--this was by common agreement the responsibility of DOD--but of course any information on this subject we might come across would be promptly turned over to DOD.

3. Finally I said that this whole matter was charged with political controversy, and that if we became involved in it as a result of appearing formally before the Committee it might make

it more difficult in the future for us to be as responsive as we would like to Committee inquiries. I suggested that since we really had nothing much of significance to contribute on the current matter, it would be unfortunate if, by getting drawn into it, we would find our hands tied in connection with some future problem where we might indeed have something of importance which might be of interest to the Committee.

4. Mr. Holt said he would take this up with the Chairman, but he was not at all sure whether he could get us off the hook.

5. About noon, Mr. Holt called to say that our appeal had fallen on sympathetic ground and Chairman Fulbright had agreed to relent. However, Holt said the Chairman might wish to discuss the matter with the Director privately, in which case the Chairman would let us know. In response to my inquiry, Holt said the Chairman would probably appreciate a call from the Director thanking the Chairman for his understanding, but this was not at all necessary.

JOHN M. MAURY
Legislative Counsel

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